



Radioactive Substances Act 1993

1993 CHAPTER 12

Further powers of Secretary of State in relation to radioactive waste

^{F1}[^{F2}30 Power of Secretary of State to dispose of radioactive waste.

(1) If there is radioactive waste on any premises, and the Secretary of State is satisfied that—

- (a) the waste ought to be disposed of, but
- (b) by reason that the premises are unoccupied, or that the occupier is absent, or is insolvent, or for any other reason, it is unlikely that the waste will be lawfully disposed of unless the Secretary of State exercises his powers under this section,

the Secretary of State shall have power to dispose of that radioactive waste as the Secretary of State may think fit, and to recover from the occupier of the premises, or, if the premises are unoccupied, from the owner of the premises, any expenses reasonably incurred by the Secretary of State in disposing of it.

(2) In the application of subsection (1) to Northern Ireland, references to the Secretary of State shall have effect as references to the Department of the Environment for Northern Ireland.

(3) For the purposes of this section in its application to England and Wales and Northern Ireland, the definition of “owner” in section 343 of the ^{M1}Public Health Act 1936, and the provisions of section 294 of that Act (which limits the liability of owners who are only agents or trustees), shall apply—

- (a) with the substitution in section 294 for references to a council of references to the Secretary of State or, in Northern Ireland, the Department of the Environment for Northern Ireland, and
- (b) in relation to Northern Ireland, as if that Act extended to Northern Ireland.

(4) For the purposes of this section in its application to Scotland, the definition of “owner” in section 3 of the ^{M2}Public Health (Scotland) Act 1897 and the provisions of section 336 of the ^{M3}Housing (Scotland) Act 1987 shall apply, with the substitution in section 336 of references to the Secretary of State for references to a local authority.]

Changes to legislation: Radioactive Substances Act 1993, Section 30 is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

- F1** Ss. 30-46 repealed (S.) (1.9.2018) by [The Environmental Authorisations \(Scotland\) Regulations 2018 \(S.S.I. 2018/219\)](#), reg. 1, **sch. 7 para. 1** (with reg. 78, sch. 5 paras. 3, 4, 6 and with transitional provisions and savings (25.11.2021) by [The Environmental Authorisations \(Scotland\) Regulations 2018 \(Transitional and Savings Provisions\) Order 2021 \(S.I. 2021/1309\)](#), arts. 1(1), **3-5**)
- F2** S. 30 repealed (E.W.) (6.4.2010) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), reg. 1(1)(b), Sch. 26 para. 11(2)(cc), **Sch. 28** (with reg. 1(2), Sch. 4)

Marginal Citations

- M1** 1936 c. 49.
M2 1897 c. 38.
M3 1987 c. 26.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act modified by [2014 c. 20 Sch. 1 para. 5](#)
- Act saving for effects of S.I. 2016/1154, reg. 72 by [S.S.I. 2018/219 Sch. 5 para. 346](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 34A(1A)-(1C) inserted by [2022 c. 35 s. 14\(3\)](#)